

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TRAVIS CASEY

v.

DAVID RODRIGUEZ and
THE CITY OF AUSTIN

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§

CIVIL ACTION A-09-CA-337-SS

**RANDALL HUNTSINGER AND TIM FLOCOS' AMENDED MOTION TO
WITHDRAW AS COUNSEL FOR PLAINTIFF**

TO THE HONORABLE JUDGE SPARKS:

NOW COME the undersigned attorneys, Randall Huntsinger, Huntsinger Law Offices, PLLC, and Tim Flocos, contracted counsel for Huntsinger Law Offices, PLLC, both counsel for Plaintiff Travis Casey, and file **Randall Huntsinger and Tim Flocos' Amended Motion to Withdraw as Counsel for Plaintiff**. In support thereof the following is offered:

I. INTRODUCTION

1. Plaintiff is Travis Casey; defendants are David Rodriguez and the City of Austin.
2. Plaintiff sued defendant for the alleged violation of his constitutional rights.
3. The discovery period will end on December 14, 2010.
4. This case is set for trial in May of 2011.
5. Randall Huntsinger currently files this motion in amendment of a prior pleading on the same which arguably failed to comply with certain Western District Local Rules. The undersigned conferred with opposing counsel who, while remaining opposed to the underlying withdrawal motion, did not oppose its amendment for compliance with these rules.

II. RELEVANT FACTS

6. Previously unforeseen circumstances arising in recent weeks have forced the undersigned

and Plaintiff Casey to address an irreconcilable conflict between counsel and client. Despite the requirements of Local Rule AT-3, attorney-client privilege and confidentiality preclude a specific explanation of these facts and circumstances. However, the legal services contract between the undersigned and Plaintiff Casey permits the withdrawal of counsel in circumstances such as these. As a result of this conflict the undersigned counsel believes he cannot represent the best interests of Plaintiff Casey in this matter. The undersigned and Plaintiff Casey made their best mutual efforts to resolve this conflict. Unfortunately, the conflict is permanent in nature and a resolution is not practical or possible. Therefore, it is with regret that the undersigned files this motion to withdraw.

III. NON-OPPOSITION BY PLAINTIFF CASEY

7. Plaintiff Casey is no less pleased than the undersigned counsel that this motion to withdraw is necessary. However, Plaintiff Casey acknowledges the right of his counsel to terminate his representation in these circumstances and Plaintiff Casey is not opposed to this decision.

8. At this time Plaintiff Casey has not secured substitute counsel.


9. Plaintiff Casey can be reached at 1313 Byers Lane, Austin, Texas 78753. His telephone number is 512-203-0642.

DATED: DECEMBER 6, 2010.

Respectfully submitted,

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By:



RANDALL HUNTSINGER
SBOT No. 24004713
TIMOTHY FLOCOS
SBOT No. 24033697

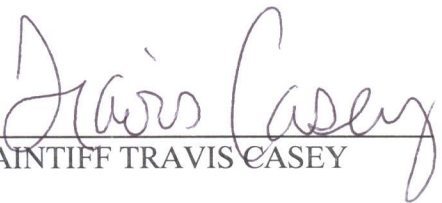
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I, RANDALL HUNTSINGER, certify by my electronic signature above that a true and correct copy of the foregoing **Randall Huntsinger and Tim Flocos' Amended Motion to Withdraw as Counsel for Plaintiff** has been forwarded by electronic mail from the Clerk of Court by CM/ECF to Chris Edwards, City of Austin Law Department, Attorney for Defendants, on DECEMBER 6, 2010.

ACKNOWLEDGMENT BY PLAINTIFF

I, TRAVIS CASEY, certify by my signature below that I have received this pleading on or about DECEMBER 6, 2010, that I understand the basis for my current attorney's motion to withdraw, and that I am unopposed to the same.


PLAINTIFF TRAVIS CASEY

CERTIFICATE OF CONFERENCE

I, RANDALL HUNTSINGER, certify by my electronic signature above that counsel for all parties have conferred on **Randall Huntsinger and Tim Flocos' Amended Motion to Withdraw as Counsel for Plaintiff** and defendants are OPPOSED to this request.